

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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D'ARRIGO BROS. CO. OF NEW YORK INC.,

Plaintiff,

-against-

HEE JAE PARK d/b/a J & S PRODUCE  
COMPANY,

Defendant.

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**ANSWER**

Case No. 07cv3855 (HJB)

HEE JAE PARK d/b/a J & S PRODUCE COMPANY ("Defendant"), by his attorneys the Law Office of G. Oliver Koppell & Associates, as and for his Answer to the Amended Complaint, alleges as follows:

- 1) Paragraph 1 of the Complaint sets forth conclusions of law for which no answer is required. To the extent an answer is required, Defendant denies the allegations contained in such paragraph and respectfully refers to the statutes for their content and meaning.
- 2) Paragraph 2 of the Complaint sets forth conclusions of law for which no answer is required. To the extent an answer is required, Defendant denies the allegations contained in such paragraph and respectfully refers to the statutes for their content and meaning.
- 3) Defendant denies knowledge and information sufficient to form a belief as to the allegations in paragraph 3 of the Amended Complaint.
- 4) Defendant denies the allegations in paragraph 4 of the Amended Complaint.
- 5) Defendant denies the allegations in paragraph 5 of the Amended Complaint.

- 6) Paragraph 6 of the Complaint sets forth conclusions of law for which no answer is required. To the extent an answer is required, Defendant denies the allegations contained in such paragraph and respectfully refers to the statutes for their content and meaning.
- 7) Defendant denies knowledge and information sufficient to form a belief as to the allegations in paragraph 7 of the Amended Complaint.
- 8) Defendant denies the allegations in paragraph 8 of the Amended Complaint
- 9) Paragraph 9 of the Complaint sets forth conclusions of law for which no answer is required. To the extent an answer is required, Defendant denies the allegations contained in such paragraph and respectfully refers to the statutes for their content and meaning.
- 10) Defendant denies knowledge and information sufficient to form a belief as to the allegations in paragraph 10 of the Amended Complaint.
- 11) Defendant denies the allegations in paragraph 11 of the Amended Complaint.
- 12) Defendant denies the allegations in paragraph 12 of the Amended Complaint.
- 13) Defendant repeats and realleges his responses to paragraphs 1 through 12 of the Amended Complaint as is fully set forth herein.
- 14) Paragraph 14 of the Complaint sets forth conclusions of law for which no answer is required. To the extent an answer is required, Defendant denies the allegations contained in such paragraph and respectfully refers to the statutes for their content and meaning.
- 15) Defendant repeats and realleges his responses to paragraphs 1 through 14 of the Amended Complaint as is fully set forth herein.

16) Defendant denies the allegations in paragraph 16 of the Amended Complaint.

17) Defendant repeats and realleges his responses to paragraphs 1 through 16 of the Amended Complaint as is fully set forth herein.

18) Defendant denies knowledge and information sufficient to form a belief as to the allegations in paragraph 18 of the Amended Complaint.

19) Defendant denies knowledge and information sufficient to form a belief as to the allegations in paragraph 19 of the Amended Complaint.

AFFIRMATIVE DEFENSES

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

20) The Amended Complaint fails to state a claim against defendant upon which relief can be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

21) The Amended Complaint is barred in whole or in part by the applicable statute of limitations.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

22) The Amended Complaint is barred in whole or in part because of the doctrine of accord and satisfaction.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

23) The Amended Complaint is barred in whole or in part because of Plaintiff's failure to comply with 7 U.S.C. §499e(c).

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

24) The Amended Complaint is barred in whole or in part based on the documentary evidence.

